COURT NO.3

Criminal Miscellaneous Application no.49 of 2002

Surya Bhan ---------- Applicant

Versus

State of Uttaranchal and CBI ----------Respondent----------

Hon'ble Irshad Hussain, J.

Heard Sri Lokendra Dibhal, counsel for the applicant and A.G.A.

Criminal miscellaneous application under section 482 Cr.P.C. was moved with a prayer to direct the II special Judicial Magistrate, Dehradun, Uttaranchal, not to proceed with case Crime no.R.C. 7(S)/97/SIC.IV/LKO, under section 302 read with section 34 IPC as the said court has ceased to have jurisdiction in the subject matter of the case after issuance of notification conferring jurisdiction of 18 districts of western Uttar Pradesh including district Ghaziabad to Special Court Ghaziabad of Judicial Magistrate, First Class Bhaziabad. A notification was issued by the U.P. Government on 28.12.2001 in regard to the 18 districts and in pursuance thereof, the Allahabad High Court was pleased to issue notification dated 16.1.2002 in regard to the appointment of Special Court Ghaziabad of Judicial Magistrate, First Class Ghaziabad for the offence committed in the geographical areas mentioned in the said notification.

Copy of the chargsheet filed by the CBI against the applicant indicates that the offence was committed within the jurisdiction of district Ghaziabad (U.P.) which by virtue of the Government order dated 28.12.2001 falls within the jurisdiction of Special Court Ghaziabad of Judicial Magistrate, First Class Ghaziabad By notification of the Allahabad High Court dated 16.1.2002 new court of special Court Ghaziabad of Judicial Magistrate, First Class Ghaziabad was created pursuant to the aforementioned government notification and above case now falls within the jurisdiction of Special Court Ghaziabad of Judicial Magistrate, First Class Ghaziabad and II Special Judicial Magistrate, Dehradun now has no jurisdiction to proceed with the trial.

There were similar matters before Special Judge (CBI-anti-corruption) Dehradun and the transfer petitions were filed before the Supreme Court. The same were disposed of by order-dated 8.05.2002, copy of which has been furnished today by the learned counsel for the applicant. In view of the changed circumstances the case initiated by CBI against various persons were directed to be transferred to the court of Special Judge (CBI-anti-corruption) having jurisdiction in the matter and similar steps also need to be taken in the instant case.

The application is allowed. Criminal case bearing CBI Crime no. R.C. 7(S)/97/SIC.IV/LKO, under section 302 read with section 34 IPC (State Vs. Lal Singh and others) pending before the II Special Judicial Magistrate, Dehradun, Uttaranchal, is transferred to Special Court Ghaziabad of Judicial Magistrate, First Class Ghaziabad (UP) for disposal according to law.

(Irshad Hussain, J.)

19.09.2002
MPS